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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,439

12/21/2001

Antanas V. Narusevicius

SPE-35

1894

7590

03/24/2003

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EXAMINER

LUEBKE, RENEE S

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,439

Applicant(s)

NARUSEVICIUS & BYON &
ALVAREZ

Examiner

Renee S. Luebke

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

1. Applicant is reminded that the Office no longer requires submission of duplicate copies of the drawings. Multiple submissions will be discarded.
 2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
 3. The disclosure and drawings are objected to because of the following informalities:
 - a. contrary to page 20, line 13, 2022 (Fig. 20B) does not indicate mounting holes,
 - b. reference numeral 2022 appears to indicate three different items (Fig. 20B, Fig. 23 and the specification),
 - c. contrary to lines 30-32 of page 20, figs. 22 and 23 do not show holder 1904 or rounded slots in clip 2006,
 - d. contrary to page 21, lines 7-8, it does not appear that the internals can be viewed through window 2108, since 2108 (fig. 21) indicates an internal **structure**,
 - e. reference numeral 2204 is used to indicate contacts and blades (page 21, lines 18, 19, etc.),
 - f. reference numeral 2206 is used to indicate contacts and holders (page 22, lines 10, 11, etc.), and
 - g. the specification includes excessive discussion of features such as the cabinet, truck, etc. that are not the subject of the presently claimed invention.
- Appropriate corrections are required.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1 and 7, the second switch casting does not form the second switch contact. If the first contact is member 2304, the second contact is 2204 (Fig. 23). The lower structure comprises a pivot and other support members. However, since none of the other structures separate during operation, none can be considered to be switch contacts.

Contrary to claim 1 and 7, there is no casting forming both the second switch contact and the fuse holder. As seen from Fig 23, the "contact" 2314 is one member and the housing 2206 is a separate member. They are fastened together (see fasteners 2224 in Fig. 22). There is no teaching in the present application to make the contact and the fuse holder from a single casting.

Contrary to claims 1 (last section) and 7 (lines 14-17), there is no electrical circuit formed when the switch is in an open position. When in an open position, the first switch contact and wiper are not in contact, thereby preventing a circuit therethrough.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Swindler, et al. (see Fig. 1). This controller comprises a means for disconnecting 112, a means for illuminating the switch 122 and a means for racking 118, 120.

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The controllers of Cox, et al. and Keogh, et al. comprise fuse holders, switch wipers and contacts similar to those of the present invention.

8. **Any response to this action may be mailed to:**

Assistant Commissioner for Patents
Washington, DC 20231

or faxed to:


(703) 872-9318 or 308-7722 or 308-7724
(informal or draft communications should be clearly labeled
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

9. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (703) 308-1511.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke
Primary Patent Examiner
March 19, 2003